

REMARKS

Claims 1-16 are pending in this application.

REJECTION UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of claims 6-8 and 13-16 under 35 U.S.C. § 103(b) as being unpatentable over U.S. Patent No. 5,867,690 ("Lee") in view of U.S. Patent Application Pub. No. 2003/0028746 ("Durrant").

There Is No Motivation To Modify Lee With The Teachings Of Durrant

The Examiner admits that Lee does not disclose the first endian information being a bit from the at least one peripheral device and comparing the bit with the second bit information from the computer system, and relies on Durrant to cure the deficiency in Lee.

However, in contrast to the Examiner's conclusion, Applicant submits that there is no motivation to modify the system of Lee to include a provision whereby the first endian information is given by the value of a bit read from the at least one peripheral device, as recited in claims 6 and 13. Further, there is no motivation to modify the system of Lee to determine whether second endian information of the computer system is identical with the first endian information of the at least one peripheral device by comparing the value of a bit of the at least one peripheral device to the value of a bit of the computer system, as recited in claim 16.

Such modifications to Lee would change the principle of operation thereof, and, therefore, there is no suggestion for same.

M.P.E.P. § 2143.01 states:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being

modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (reversing the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

M.P.E.P. § 2143.01 (Rev. 8/06)

Lee seeks to avoid crafting device driver code to convert data between different endian formats, and to avoid performing byte swapping using additional instructions, namely, byte exchanges, shifts, rotates, masks, etc. when loading or storing data elements into/from CPU registers. See Lee, col. 3, lines 31-48. In order to achieve this objective, Lee uses a byte swapping device 530, which receives address and control signals from a processor address bus 560 and a control bus 570, respectively.

The byte-swapping device 530 selectively performs byte-swapping based upon whether or not the address on the address signals received by the byte-swapping device 530 falls within one or more ranges of contiguous byte addresses on the processor address bus 560. See Lee, col. 6, lines 42-50. This configuration disclosed in Lee "advantageously provides a hardware mechanism for performing byte swapping". See id.

Modifying Lee to include endian information given by a bit value and comparing the bit values to determine differences in endian information would be contrary to Lee's objectives of providing a hardware mechanism for performing byte swapping and of avoiding performing byte swapping using additional instructions.

Further, such a modification would require substantial reconstruction and redesign of the byte swapping device 530, and the address and control buses 560, 570

shown in Lee, so as to change the basic principle under which the Lee system was designed to operate.

Accordingly, Applicant respectfully submits that there is no motivation for the modification to Lee as proposed by the Examiner.

As such, Applicant respectfully submits that claims 6, 13 and 16 are patentable and non-obvious over the cited references.

For at least the reason that claims 7-8 depend from claim 6, and claims 14-15 depend from claim 13, claims 7-8 and 14-15 are also submitted to be patentable and non-obvious over Lee in view Durrant.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-8, and 13-16 under 35 U.S.C. § 103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,



Michael F. Morano
Reg. No. 44,952
Attorney for Applicant

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
(516) 692-8888